

# **CHAPTER III**

## **GENERAL REGULATIONS**



## **ARTICLE 27**

### **EXISTING AND NON-CONFORMING USES**

#### **Section 2701 Conformance Required**

Except as hereinafter specified, no land, building, structure or premises be used, and no building or part thereof, or other structures shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

#### **Section 2702 Non-conforming Vacant Lots**

##### **2702.01 Non-Conforming Lots of Record**

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership, are of record at the time of passage or amendment of this Resolution, and if all or part of the lots do not meet the requirements for lot width and area, the land involved shall be considered to be an undivided parcel for the purpose of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by the Resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Resolution.

##### **2702.02 Non-Conforming Vacant Lots in Residential District**

In any district where dwellings are permitted, a one (1) family detached dwelling may be erected on any lot of official record as of the effective date of the Revised Zoning Resolution of this Township, Subsection 2702.01, withstanding, when by reason of its lot area, width or depth, it does not meet minimum requirements for a lot under these regulations provided, however, that no lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements and provided further:

- A. The sum of the side yard width on any such lot of record shall be at least twenty-five (25) percent of the width of the lot.
- B. In no case shall the width of any side yard be less than ten (10) percent of the width of the lot, except that on a corner lot, the width of side yard adjoining the side street lot line shall be not less than ten (10) feet.
- C. The depth of the rear yard of any such lot need not exceed, but in no case shall it be less than twenty (20) feet.

- D. If the width of such lot meets the standards of this Resolution but the depth is such that the total area is less than seven thousand five hundred (7,500) square feet, the rear yard for such lot shall have a minimum of thirty (30) percent of the depth of the lot but in no case shall it be less than thirty (30) feet.

### **2702.03 Non-Conforming Vacant Lots in Other Districts**

In any district, other than a Residential District, a building designed for any permitted use in such district may be erected on any lot of official record as of the effective date of the Revised Zoning Resolution of this Township provided that:

- A. Such building shall comply with all regulations applicable in the district in which the lot in question is located, provided, however, the width of any required side yard need not be greater than that derived by applying the following equation ("X"= the required side yard width):

$$X = \frac{\text{Minimum side yard required by district regulations}}{\text{Actual lot width} - \text{minimum lot width required by district regulations}}$$

## **Section 2703 Non-Conforming Structures**

### **2703.01 Continuation**

Any structure which is devoted to a use which is permitted in the zoning in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of 2703.02 through 2703.04.

### **2703.02 Enlargement, Repair, Alterations**

Any such structure described in 2703.01 may be enlarged, maintained, repaired or structurally altered, provided, however, that no such enlargement, maintenance, repair or structural alteration shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structure; except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements determined by 2702.02 or 2702.03, whichever is applicable.

### **2703.03 Damage or Destruction**

In the event that any such structure described in 2703.01 is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of the current replacement cost of the entire structure, such structure shall not be restored unless it shall thereafter conform to the regulations for the

zoning district in which it is located, provided that structures located on a lot that does not comply with the applicable lot size requirement shall not in any event be required to provide a side yard that exceeds the yard requirements in 2702.02 or 2702.03, whichever is applicable. When a structure is damaged to the extent of fifty (50) percent or less, no repairs or restoration shall be made unless a zoning certification is obtained and restoration is actually begun within one (1) year after the date of such partial destruction.

#### **2703.04 Moving**

No structure described in 2703.01 shall be moved in whole or in part for any distance whatever to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located after being moved.

### **Section 2704 Non-Conforming Uses**

#### **2704.01 Continuation**

Any lawfully existing non-conforming use of part or all of a structure or any lawfully existing non-conforming use of land, not involving a structure, may be continued, so long as it remains otherwise lawful, subject to the restrictions of 2704.02 through 2704.09.

#### **2704.02 Repair and Maintenance**

- A. Work may be done on ordinary maintenance and repairs, or on repair and replacement of walls, fixtures, wiring, or plumbing; provided, however, that this paragraph (A) shall not be deemed to authorize any violation of 2604.03 through 2604.09.
- B. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of 2604.05 of this section) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.
- C. Non-conforming residential buildings in a Business or Industrial District may be maintained, repaired, improved, modernized or enlarged; provided, however, that the increase in the number of dwelling units shall be permitted.

#### **2704.03 Extension and Enlargement**

The Board of Zoning Appeals may permit a non-conforming building or structure to be extended, expanded, enlarged, or increased in intensity subject to the following conditions:

- A. A non-conforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on the effective date of this Resolution.
- B. The Board may permit either an expansion of a non-conforming building or structure, or a substitution of a non-conforming use in such a building or structure, but not both.
- C. A non-conforming building or structure may be extended or enlarged upon the lot occupied by such building on the effective date of this Resolution or on an adjoining lot, provided such lot was under the same ownership as the lot in question on the effective date of this Resolution. Such non-conforming building may be enlarged or extended to an extent not exceeding twenty-five (25) percent of the gross floor area of such non-conforming structure or building lawfully existing at the time of the adoption of this Resolution.
- D. The extension or enlargement of a non-conforming building or structure may not occupy ground space suitable and otherwise available for meeting the off-street parking requirements of this Resolution.
- E. A non-conforming use of land may not be extended, enlarged, or increased in intensity.
- F. Nothing contained in this section shall in any way prohibit a non-conforming use from acquiring additional off-street parking space.
- G. Application for an extension or enlargement in accordance with paragraphs A through F shall be noticed and heard in the manner prescribed for appeals in Section 3704 hereof.

#### **2704.04 Damage or Destruction**

In the event that any building or other structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds fifty (50) percent of the current replacement costs of the entire building or other structure, exclusive of foundation, such building or other structure shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations for the district in which it is located. Moreover, even if such damage is fifty (50) percent or less, no repairs or restoration shall be made unless a building permit is obtain, and restoration is actually begun within one (1) year after the date of such destruction.

#### **2704.05 Moving**

No structure devoted in whole or in part to a non-conforming use, shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no nonconforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

#### **2704.06 Change**

The Board of Zoning Appeals may permit a substitution for a non-conforming use in a building or structure lawfully existing at the time of adoption of this Resolution subject to the following conditions:

- A. The Board may permit either an expansion of a non-conforming building or structure or a substitution of a non-conforming use, but not both.
- B. A non-conforming use of land may not be changed.
- C. Application for a substitution in accordance with paragraph (A) shall be noted and heard in the manner prescribed for appeals in Section 3904 hereof.

#### **2704.07 Discontinuance**

- A. Discontinuance of non-conforming use of land:

In the event that operation of non-conforming use of land is voluntarily discontinued for a period of two (2) years, such non-conforming use shall not thereafter be re-established and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.

- B. Discontinuance of non-conforming use of buildings or structures:

In the event that operation of a non-conforming use of all or part of a building or structure is voluntarily discontinued for a period of two (2) years, such non-conforming use shall not thereafter be re-established and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located.

#### **2704.08 Non-Conforming Accessory Uses**

No non-conforming accessory uses shall continue after the principal use to which it is accessory has been discontinued.





<p style="text-align: center;"><b>ARTICLE 28</b> <b>PROVISION AFFECTING AREA, YARDS,</b> <b>AND COURTS</b></p>
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**Section 2801 Street Frontage Required**

Except as permitted by other provisions of the Zoning Resolution, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for its full frontage on a dedicated street; and there shall be no more than one (1) single family dwelling for such frontage.

**Section 2802 Traffic Visibility Across Corner Lots**

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

**Section 2803 Reduction of Area or Space**

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than minimum required by this Zoning Resolution; and, if already less than the minimum required by this Zoning Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area or other space provided above, or for, any building or structure for the purposes of complying with the provisions of this Zoning Resolution, shall be included as part of a yard, court, parking area or other space required under this Zoning Resolution, for another building or structure.

**Section 2804 Off-Street Parking and Loading**

In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Article 32 and 33.



## ARTICLE 29 ACCESSORY USES

### Section 2901 Permitted Accessory Uses – Residential, Office, Office-Residential, and Agricultural Districts

The following accessory uses are permitted in each Residential District and the Residential-Office District.

- A. Private garages or carports.
- B. A structure for storage incidental to a permitted use.
- C. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or for permanent occupancy.
- D. A swimming pool, bathhouse and other recreational facilities designed for the use of the occupants of a single-family dwelling and their guests.
- E. A child's playhouse, tree house, birdhouse.
- F. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, wall and hedges.
- G. Fallout shelters.
- H. Any other shelter or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use in Section 201.01.
- I. Recreational equipment subject to the following conditions:
  - 1. Parked or stored camping and recreational equipment s defined by Article 2 shall not be connected to electricity, water, gas, or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes.
  - 2. If the camping and recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of the house. On corner lots, storage shall not be allowed on the side facing the street.

3. Notwithstanding the provisions of subparagraph 2, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours.

#### **Section 2902 Permitted Accessory Uses – Business and Industrial Districts**

In a Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use which meets the definition of accessory use in Section 201.01 and which complies to the applicable standards of the district in which it is located is permitted.

#### **Section 2903 Accessory Uses Not Permitted – Residential, Office, Office-Residential, and Agricultural Districts**

None of the following shall be permitted as an accessory use in a Residential or Office District:

- A. Overnight parking or outdoor storage of trucks over one (1) ton crated capacity, buses or mobile homes.
- B. Outdoor storage, unless specifically permitted by the specific zoning district regulations.

#### **Section 2904 Standards**

- A. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structures.
- B. An accessory building may be erected, detached from the principal building. Except as provided in Article 30, Section 3004 B, no detached accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more than twenty-five (25) percent of the area of the required rear yard, or forty (40) percent of the non-required rear yard.
- C. For computing the percentage of occupancy of a rear yard, as required in subsection B hereof, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation.
- D. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height in any "R", "O", "B-1" one story or twenty-five (25) feet in any other district.
- E. A detached accessory building shall be at least six (6) feet from the side or rear lot lines.

- F. On a corner lot abutting on the rear, the side lot line or a lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street, and in no case shall any part of such accessory building be closer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
- G. Except as provided in Article 30, Subsection 3004 B, any accessory building if not located in the rear yard shall be an integral part of, or connected with, the principal building to which it is accessory; and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building.



**ARTICLE 30  
EXCEPTIONS, MODIFICATIONS,  
INTERPRETATIONS AND EXEMPTIONS  
FROM ZONING PROVISIONS**

**Section 3001 Application**

The requirements and regulations specified hereinbefore in this Zoning Resolution shall be subject to the following exceptions, modifications and interpretations.

**Section 3002 Height Lines**

Height limitations stipulated elsewhere in this Zoning Resolution shall not apply:

- A. To barns, silos, or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, masts and aerals, to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and may provide that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in a district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be a distance not less than twenty-five (25) feet in all parts from every lot line.

**Section 3003 Corner Lots**

- A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.

- B. When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between a part of a building, and the rear lot line, be less than twenty (20) feet.
- C. On all corner lots the principal building shall be set back a minimum of twenty-five (25) feet on each street from the established right-of-way line as shown on the Official Thoroughfare Plan for Clark County, Ohio.

#### **Section 3004 Front Yard Exceptions and Modifications**

- A. In any Zoning District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block is less or greater than the least front yard depth prescribed elsewhere in this Zoning Resolution, the required depth of the front yard on the lot shall be modified. In such case, this shall not be less than the average depth of said existing front yard, or the average depth of existing front of the two (2) lots immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections nor required to be more than fifty (50) feet.
- B. In any Zoning District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said slope, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Resolution, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.
- C. All lots in zoning districts fronting on major thoroughfares shall have a front yard depth of not less than thirty-five (35) feet measured from the street right-of-way line.

#### **Section 3005 Double Frontage Lots**

Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

#### **Section 3006 Side Yard Exceptions or Modifications**

Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the



otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.

#### **Section 3007 Projections Into Required Yards**

Architectural features may project into required yards or into courts as follows:

- A. Into any required front or side yard adjoining a side street:
  - 1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
  - 2. Fire escapes may project distance not to exceed four (4) feet, six (6) inches.
  - 3. Open stairs and necessary landing may project a distance not to exceed six (6) feet.
  - 4. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.
  - 5. Bay windows, balconies, or chimney may project into a yard a distance not to exceed five (5) feet provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
- B. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-sixth (1/6) of the required least width of such side yard, but not exceeding three (3) feet in any case.
- C. Subject to the limitations in "A" above, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

#### **Section 3008 Fences, Walls, and Hedges**

- A. A fence, wall, hedge, or shrubbery may be erected, placed, maintained or grown along a lot line in a Residential District or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no such fence, wall, hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three and one-half (3 ½) feet and shall be

subject to the traffic visibility requirement of Article 2802 for a corner lot.

- B. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two-hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat in all Residential Districts, are excluded from these fence regulations.

#### **Section 3009 Residential Entrance-Way**

In all Residential Districts so called entrance-way structures including, but not limited to walls, columns, and gates making entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 2802. Traffic visibility across corner lots, provided that such entrance-way structures shall comply to all Township and County Codes.

#### **Section 3010 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other resolutions of the County and Township, it being the intention hereof to exempt such essential services from the application of this Zoning Resolution.

#### **Section 3011 Unsafe Buildings**

Nothing in this Zoning Resolution shall prevent the strengthening or restoring to a safe condition any part of a building or structure declared unsafe by proper authority.

#### **Section 3012 Existing Building Permits**

Nothing contained in this Zoning Resolution shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Zoning Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Zoning Resolution, and continued to completion without interruption, except for causes beyond the builder's control.